

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

WILLIAM M. SCHMALFELDT,

)

Plaintiff,

)

vs.

)

PATRICK G. GRADY, et al,

)

Defendants.

)

Civil Action No. 1:15-cv-01241 RDB

)

**ORDER ON
MOTION TO TERMINATE PLAINTIFF'S
IN FORMA PAUPERIS STATUS
[ECF 19]**

THE COURT, having considered the motion by Defendants David Edgren and Scott Hinckley, who have not yet been served but who have appeared specially before the court *pro per*, to terminate Plaintiff's *in forma pauperis* status in this case, and Plaintiff's response and said defendants' reply, and having thus become fully informed in the premises of the matters raised in the motion, now makes and enters the following findings of fact and conclusions of law:

FINDINGS AND CONCLUSIONS

1. Plaintiff has admitted in his response that he is no longer qualified to proceed *in forma pauperis* based upon changes in his financial circumstances occurring at and around the date of death of his spouse on June 17, 2015.

2. Plaintiff has admitted in his response that the change in his economic circumstances will allow him to pay to the court the \$400 filing fee in this case.

3. Based on Plaintiff's admissions, it is appropriate under the law to terminate his *in forma pauperis* status *nunc pro tunc* to May 5, 2015, and require the reimbursement by Plaintiff to the court of the filing fee in the case.

4. It is also appropriate in the premises to require Plaintiff to repay all amounts expended to date by the U.S. Marshals' Service in connection with service on all named defendants to date.

5. Based on Plaintiff's admissions, as aforesaid, providing a basis on which to terminate Plaintiff's *in forma pauperis* status it is not necessary in ruling on this motion to reach the other grounds, *viz*: that Plaintiff misled the court, that Defendants Edgren and Hinckley have advanced that would also justify termination.

HAVING MADE AND ENTERED its Findings of Fact and Conclusions of Law, and based upon same, NOW; THEREFOR

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. The motion by Defendants Edgren and Hinckley to terminate Plaintiff's *in forma pauperis* status is GRANTED.
2. The Order granting Plaintiff's *in forma pauperis* status entered on May 5, 2015 (ECF 3) is RESCINDED.

3. Plaintiff's *in forma pauperis* status is TERMINATED *nunc pro tunc* to May 5, 2015.

4. Plaintiff shall, within ten days of the date of distribution of this order to the parties, reimburse and pay into the court the \$400 filing fee for this case, all amounts expended by the U.S. Marshals' Service in connection with efforts to serve the various defendants, and any and all amounts otherwise expended to date by the court on Plaintiff's behalf in this case resulting from Plaintiff's status as an *in forma pauperis* litigant.

5. Because other motions for dismissal are pending before this court upon which the court has not yet ruled, should the case be dismissed before the aforesaid deadline is reached for Plaintiff to reimburse the court the aforesaid amounts Plaintiff shall, ON PENALTY OF CONTEMPT of this court, continue to be ordered to so reimburse the court by the deadline.

6. If Plaintiff fails to reimburse the court in full by the aforesaid deadline this case shall be DISMISSED WITH PREJUDICE as to all of Plaintiff's claims against all defendants, named and pseudonymous.

7. The U.S. Marshals' Service is ordered to STAND DOWN all efforts to serve defendants in this case and to return all unserved process to the Clerk's Office.

ENTERED _____ day of _____, 2015.

RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE